

REMARKS

Applicants have been trying for years to have the correct priority information as filed in the original application documented on the filing receipt. The first two paragraphs of the original application, filed October 18, 2001, read as follows:

[0001] This U.S. Patent is a continuation application from the U.S. Patent Application entitled "Micro-Opto-electro-Mechanical Switching System", Attorney Docket No. AONIP001, filed on October 15, 2001 and invented by Vlad J. Novotny and Parvinder Dhillon, which is incorporated by reference in its entirety. This U.S. Patent claims priority from the U.S. Patent Serial No. 09/865,981 entitled "Optical Cross Connect Switching Array System with Optical Feedback" filed on May 24, 2001 and invented by Vlad J. Novotny, which is incorporated by reference in its entirety. Said patent claiming priority under 35 U.S.C. §119(e) from U.S. Patent Application serial No. 60/206,744, entitled, "Optical Cross Connect Switching Array Systems With Optical Feedback Control" filed May 24, 2000, which is also incorporated by reference in its entirety. This patent also claims priority under 35 U.S.C. §119(e) from U.S. Patent Application serial No. 60/241,269, entitled, "Micro-Electro-Mechanical Systems for Optical Switches and Wavelength Routers," by Vlad J. Novotny and Parvinder Dhillon, filed October 17, 2000, which is incorporated by reference in its entirety.

[0002] This patent also claims priority to U.S. Patent Serial No. 09/880,456 entitled: "Optical Cross Connect Switching Array System with Electrical and Optical Position Sensitive Detection", invented by Vlad J. Novotny, filed June 12, 2001, which is incorporated by reference in its entirety. Said application in turn being a continuation-in-part of aforementioned U.S. Patent Serial No. 09/865,981, filed May 24, 2001, entitled "Optical Cross Connect Switching Array System with Optical Feedback", which has previously been incorporated by reference. The U.S. Patent No. 09/880,456 filed on June 12, 2001 entitled, "Optical Cross Connect Switching Array System With Electrical and Optical Position Sensitive Detection" claims priority under 35 U.S.C. §119(e) from U.S. Patent Application Serial No. 60/211,239, entitled "Optical Cross Connect Switching Array Systems With Multiple Optical And Electrical Position Signal Detectors," by Vlad J. Novotny, filed June 12, 2000. All the foregoing are hereby incorporated by reference in their entirety.

The filing receipt mailed on February 15, 2002, does not show any of the domestic priority data detailed in the above-quoted paragraphs.

Below is a list of the ways we have attempted to fix this problem:

1. On April 16, 2002, Applicants submitted a "Request for Corrected Filing Receipt" to amend the Domestic Priority Claim to read:

"—CONT of 09/981,628 FILED 10/15/2001; PRIORITY CLAIMED TO 09/865,981 FILED 05/24/2001, WHICH CLAIMS PRIORITY TO 60/206,744 FILED 05/24/2000, AND TO 60/241,269 FILED 10/17/2000, AND PRIORITY CLAIMED TO 09/880,456 FILED 06/12/2001, WHICH CLAIMS PRIORITY TO 60/211,239 FILED 06/12/2000--.

We received a return receipt postcard with a stamp from the OIPE dated April 23, 2002.

2. On May 05, 2003, Applicants submitted a "Status Letter" requesting a reprint of the Filing Receipt to show the corrected Domestic Priority Data. The return receipt postcard was mailed back to our attention with a stamp from the OIPE dated May 12, 2003

3. On May 29, 2003, we received a "Response to Request for Corrected Filing Receipt" stating that the continuity information cannot be added to the Filing Receipt without the applicant supplying the relationship (continuation, divisional, or continuation-in-part) in an Application Data Sheet or amendment to the first page of the specification.

4. On October 20, 2003, Applicants sent a "Supplemental Application Data Sheet (37 CFR 1.76)" stating the following for the Domestic Priority Claim:

This application is a continuation of 09/981,628 filed 10/15/2001; which claims priority under 35 U.S.C. §119(e) to serial No. 09/865,981 filed on May 24, 2001, and which further claims priority from U.S. Patent

application serial No. 60/206,744 filed May 24, 2000, and to 60/241,269 filed 10/17/2000, and priority claimed to 09/880,456 filed 6/12/2001, which claims priority to 60/211,239 filed 06/12/2000.

The Supplemental Data Sheet Applicants submitted included the following:

This application is a::	Continuation of
Application One::	09/981,628
Filing Date::	10/15/2001
Status::	Pending

Which is a::	Continuation-in-Part
Of application::	09/865,981
Filing Date::	05/24/2001
Status	Pending

Which is a::	Continuation-in-Part
Of application::	09/880,456
Filing Date::	06/12/2001
Status::	Pending

Conclusion

The originally filed case included correct priority claims, but these were not noted in the filing receipt. We have since failed in numerous attempts to remedy this problem. We expect that the first two paragraphs of the application will appear in the issued patent with the changes referenced above, but nevertheless request an updated filing receipt. The undersigned requests the examiner contact him should the examiner be unable to correct the priority claim.

I hereby certify that this correspondence is mailed via first class mail to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450 on the date indicated below.

Signature

Printed Name: Laurie Moreno

June 2, 2005
Date of Signature

Respectfully submitted,

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